

*This an Imminent Danger claim*

**FILED**  
U.S. DISTRICT COURT  
EASTERN DISTRICT ARKANSAS

FORM TO BE USED BY PRISONERS IN FILING A COMPLAINT  
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983

MAY 18 2020

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF ARKANSAS  
DIVISION

By: JAMES W. McCORMACK, CLERK  
*JB*  
DEP CLERK

CASE NO. 4:20-cv-00526-DPM

Jury Trial: ☒ Yes ☐ No  
(Check One)

I. Parties

In item A below, place your full name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.

- A. Name of plaintiff: Phillip DEWayne Stewart  
ADC # 151956  
Address: #10 Prison Circle, Calico Rock, Ar. 72519  
Name of plaintiff: \_\_\_\_\_  
ADC # \_\_\_\_\_  
Address: \_\_\_\_\_  
Name of plaintiff: \_\_\_\_\_  
ADC # \_\_\_\_\_  
Address: \_\_\_\_\_

In item B below, place the full name of the defendant in the first blank, his official position in the second blank, his place of employment in the third blank, and his address in the fourth blank.

- B. Name of defendant: Sylvester Caldwell  
Position: Mayor  
Place of employment: City of Pine Lawn  
Address: 6250 Steve Marre Avenue, Pine Lawn, Missouri 63121  
Name of defendant: E. Crawford Badge No. 595  
Position: Police Clerk

This case assigned to District Judge Marshall  
and to Magistrate Judge Ray

Place of employment: City of Overland Police Department

Address: 2410 Goodale Avenue, Overland, Missouri 63114

Name of defendant: \_\_\_\_\_

Position: \_\_\_\_\_

Place of employment: \_\_\_\_\_

Address: \_\_\_\_\_

Name of defendant: \_\_\_\_\_

Position: \_\_\_\_\_

Place of employment: \_\_\_\_\_

Address: \_\_\_\_\_

II. Are you suing the defendants in:

- ☐ official capacity only  
☐ personal capacity only  
☒ both official and personal capacity

III. Previous lawsuits

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes \_\_\_ No ☒

- B. If your answer to A is yes, describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

- ☐ Parties to the previous lawsuit:

Plaintiffs: \_\_\_\_\_

\_\_\_\_\_

Defendants: \_\_\_\_\_

\_\_\_\_\_

☐ Court (if federal court, name the district; if state court, name the county): \_\_\_\_\_

☐ Docket Number: \_\_\_\_\_

☐ Name of judge to whom case was assigned: \_\_\_\_\_

☐ Disposition: (for example: Was the case dismissed? Was it appealed? Is it still pending?) \_\_\_\_\_

☐ Approximate date of filing lawsuit: \_\_\_\_\_

☐ Approximate date of disposition: \_\_\_\_\_

IV. Place of present confinement: North Central Unit  
#10 Prison Circle, Calico Rock, Ar. 72519

V. At the time of the alleged incident(s), were you:  
(check appropriate blank)

\_\_\_\_\_ in jail and still awaiting trial on pending criminal charges

\_\_\_\_\_ serving a sentence as a result of a judgment of conviction

☒ in jail for other reasons (e.g., alleged probation violation, etc.)

explain: I had no charges pending, nor was I incarcerated.  
Nor was I set FREE AGAIN. UNTIL I WENT THROUGH (3) POLICE DEPARTMENTS.  
WHEN I WAS UNLAWFULLY ARRESTED BY THE PINE LAWN, MISSOURI,  
POLICE; I WAS GIVEN TO OVERLAND, MISSOURI POLICE, AND THEY GAVE ME TO VINETA PARK, MISSOURI POLICE;

POLICE; I WAS GIVEN  
VI.

The Prison Litigation Reform Act (PLRA), 42 U.S.C. § 1997e, requires complete exhaustion of administrative remedies of all claims asserted, prior to the filing of a lawsuit. There is a prisoner grievance procedure in the Arkansas Department of Correction, and in several county jails. Failure to complete the exhaustion process provided as to each of the claims asserted in this complaint may result in the dismissal without prejudice of all the claims raised in this complaint.

A. Did you file a grievance or grievances presenting the facts set forth in this complaint?

Yes \_\_\_\_\_ No ☒

B. Did you completely exhaust the grievance(s) by appealing to all levels within the grievance procedure?

Yes \_\_\_\_ No ☒If not, why? It is Not Jurisdiction of ADC.

## VII. Statement of claim UNlawful Arrest

State here (as briefly as possible) the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.) This claim is against City of Overland Police,

Clerk E. Crawford, #595 BadGE; Who booked me into custody without jurisdiction, or venue.  
Of a City, where a crime had been committed at, by me. That is in the City of Overland, Missouri;  
After, Arresting me on 2-13-98, I was held till 3-2-98, UNlawfully and without jurisdiction, and venue.  
The UNlawful Arrest, violate my 4th, through the 14th Amendment, right against an UNlawful Arrest.  
For the (17) days, UNlawful Arrest. Make MY 6-25-98 conviction in case No. 98CR-1202;  
AN UNlawful conviction. And, the UNlawful conviction. Should be voided  
For, neither I, nor the Alleged victim. Gave Overland, Missouri Police a city name.  
Which is why, Overland, Missouri Police never convicted me of a crime.  
For, they had no verbal, or written witness statement. That attached me, to a City of Overland crime.  
Still, I was arrested, and taken into custody. And, held for (17) days.  
For, neither I nor the victim. Stated any alleged crime, took place in Overland, Missouri.  
Where, I supposingly, sexually abused her. And, without, jurisdiction, and venue. MY Freedom was took.  
For, I was handcuffed put in the patrol car, taken to the Police Department in Overland, Missouri;  
I was finger printed, my picture was taken. And, there was no jurisdiction, or venue for it.  
That would justify, Overland Police arresting me, on 2-13-98; And, holding me for (17) days.  
I should have never been taken into custody, when no crime in Overland, was committed by me.  
For I was held from 2-13-98 till 3-2-98 UNlawfully. By the Overland Police Department.  
Their Action is deliberate Indifference, and cruel and unusual Punishment.  
Their Action Prejudiced my 6-25-98 conviction. In case No. 98CR-1202;  
And this conviction should be voided. Cause of my being UNlawfully Arrest.  
This criminal case went through (3) different city court rooms.  
It ended in Vinita Park Missouri court room.  
Which Prove my UNlawful Arrest.

Yes ☐ No ☒If not, why? It is not Jurisdiction of ADC.VII. Statement of claim UNLawFul Arrest

State here (as briefly as possible) the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

This claim is Against City of Pine Lawn, Missouri; Mayor, Sylvester Caldwell. Who is the Highest Ranking Administrative Government Official; That is in the City of Pine Lawn, Missouri; For he Failed to train his Officers. Not to make an UNLawFul Arrest. Which is a violation of the 4th, through the 14th Amendment. For I was UNLawFul Arrested by Pine Lawn, Missouri Police on 2-11-98; While in Pine Lawn. And with No Jurisdiction, where an Alleged crime had taken Place. For I was held in the custody of the Pine Lawn, Missouri Police Department, from 2-11-98 to 2-13-98; For the UNLawFul Arrest. Make my 6-25-98 conviction in case No. 98CR-1202; AN UNLawFul conviction. And, it should be voided.

For neither I, or the Alleged victim. Give Pine Lawn Missouri Police a city name. Where an Alleged crime took Place. Neither verbally, or in a letter, or witness statement. Still, I was arrested and taken into custody. And held for (3) days.

For, both I and the victim stated, nothing took Place, between me and her in Pine Lawn. And without having a jurisdiction, or a venue. Still, my Freedom was taken Away.

Also, my car was UNLawFul taken, by the Pine Lawn, Missouri Police. And never returned. For, I was handcuffed, put in the patrol car, taken to the Police Department, in Pine Lawn. I was Finger Printed, picture taken. For, there was no lawful jurisdiction, or venue. That would justify Pine Lawn, Missouri Police Arresting me on, 2-11-98, then holding me for 3 days. For, I was Arrested on 2-11-98, Held till 2-13-98; And without a venue, or jurisdiction. Where an Alleged crime had taken Place. There was no city name given.

For, I was sitting in my car, in my cousin's yard in Pine Lawn, Missouri. When one of her friends, called the Police on me. And alleged she was sexually assaulted by me. But, not in Pine Lawn, Missouri; she mentioned on the shoulder of I70 Freeway. Which don't run through, the city of Pine Lawn. For only 70 Freeway runs through the city of Pine Lawn, Missouri;

Which this conviction, not by the city of Pine Lawn, Missouri; And, the 6-25-98 conviction, in case No. 98CR-1202; Which is, two counts of First degree SEX Abuse; IS not by the, Overland, Missouri Police Department. Who Pine Lawn, Missouri Police Department. Turned me over in to the hands of. On 2-13-98; After holding me in custody for (3) days. The incarceration, which I was convicted on started, 2-11-98 until, my 6-25-98 conviction by Vinita Park, Missouri Police Department.

IN Case No. 98CR-1202;

For, I was deprived of Freedom, job opportunity, to find a home, to visit family and friends. I was deprived of the Freedom, to go to my children school events, church, gym, Recreation Center.

Although, consensual SEX, took Place on the shoulder of Freeway 170;

No city name was given. And, there were none given, called Pine Lawn.

For, the (3) day arrest of me, by the Pine Lawn, Missouri Police.

Violated my, 4th through the 14th Amendment right, against an UNLawFul Arrest.

As well as Prejudiced my 6-25-98 conviction, in case No. 98CR-1202;

It deprived me of a 6th Amendment right to a fair trial. I have to forever Register as a sex offender.

VIII. Relief <sup>\$</sup>300,000 Dollars Punitive DAMAGES, \$300,000 Dollars COMPENSATORY DAMAGES,  
\$300,000 Dollars INJUNCTIVE Relief;  
State briefly exactly what you want the court to do for you. Make no legal arguments. Cite  
no cases or statutes. I want a copy of Everything I send to this Court.  
And, to be assured ADC. OFFICIAL don't tamper with this Process.  
Or, they are liable, For Damages I am seeking.  
And I want my 6-25-98 conviction Voided.  
Which is case no. 98CR-1202

I declare under penalty of perjury (18 U.S.C. § 1621) that the foregoing is true and correct.

Executed on this 7th day of May, 20 20.

Phillip Dwayne Stewart  
Signature(s) of plaintiff(s)

Here is two Exhibits that support my Claim

(1) E. Crawford Position

(2) The Length of my incarceration by Overland,  
Missouri Police.

And Proof, I was UNlawFULLY detained For (17) days.

(3) Exhibit (3) CONFIRM my Case No. 98CR-1202 CONVICTION  
ON 6-25-98 IN St. Louis County;

# City of Overland Police Department

*Exhibit 12*

Phillip Stewart 151956  
North Central Unit  
#10 Prison Circle  
Calico Rock, AR 72519

January 28, 2019

Mr. Stewart,

In regards to your letter I received at our department on 1/25/2019, I have enclosed a completed background check. This lists any charges and dispositions for the City of Overland, MO.

Regards,

 #595

E. Crawford, #595  
Police Clerk



# City of Overland Police Department

Exhibit two

**Section B: To be completed by the Bureau of Police Records  
(Overland Police Department)**

DATE	CHARGE	DISPOSITION	ARRESTING AGENCY
02/13/1998	Sexual Abuse (F)	03/02/1998 Nolle Prosequi	Overland

 #595  
Signature of Employee

1/28/2019  
Date




Director's Office  
P.O. Box 8707  
Pine Bluff, Arkansas 71611-8707  
Phone: (870) 267-6200  
Fax: (870) 267-6244  
[www.arkansas.gov/doc](http://www.arkansas.gov/doc)

## Arkansas Department of Correction

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### MEMORANDUM

**TO:** Inmate Phillip/Shaquille Stewart/Israel, ADC# 151956  
Ester Unit

**FROM:** Jada Lawrence, Executive Assistant to the Director 

**RE:** Sentencing Order

**DATE:** July 17, 2017

Thank you for contacting my office. I have read and reviewed the correspondence you sent.

After consulting with Central Records, we found that ADC does not have a copy of your Missouri sentencing order. You were placed under Act 1805 due to the Sexual Abuse conviction that was found on your rap sheet in Missouri.

You would need to write the sentencing agency for a copy of your Missouri sentencing order. You were sentenced out of the 21<sup>st</sup> Circuit Court in Clayton, Missouri.

If I can be of further assistance, please feel free to write our office.

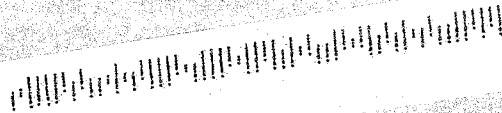
JL/ms

Phillip Stewart 15/1956

#10 Prison Circle  
Calico Rock, Ar. 72519

ORIGINATED  
FROM NCU  
FACILITY

NEOPOST  
05/15/2020  
US POSTA



Le Gar mail

United States District Court  
600 W. Capitol Avenue, Suite A-149  
Little Rock, Ar. 72201-3325